


JAN 12 2017

JULIA G. DOOLEY, CLERK  
BY:   
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA, )

v. )

CODY MORRIS DOOLEY, )

Petitioner. )

Case No. 7:13cr00036

By: Michael F. Urbanski  
United States District Judge

**ORDER**

For the reasons set forth in the accompanying Memorandum Opinion entered this day, it is hereby **ORDERED** as follows:

1. Petitioner Cody Morris Dooley's habeas corpus petition, ECF No. 50, is **GRANTED** and the United States' motions to dismiss, ECF No. 56 & 58, are **DENIED**.
2. Petitioner's sentence imposed pursuant to the Armed Career Criminal Act is **VACATED**.
3. Petitioner will be resentenced in Roanoke, Virginia on a date to be determined by the Clerk. Counsel are **DIRECTED** to promptly contact the Clerk to schedule a sentencing hearing.
4. The United States Marshal is **DIRECTED** to facilitate Petitioner's transportation and appearance at his resentencing.
5. An expedited Amended Presentence Investigation Report **SHALL** be prepared in advance of sentencing, reflecting this court's ruling and without application of the enhancement pursuant to the Armed Career Criminal Act. Any objections or memoranda regarding sentencing shall be filed no later than seven days prior to resentencing.

The Clerk is **DIRECTED** to file this Order and provide copies to counsel and the United States Probation Office.

It is **SO ORDERED**.

Entered: 01-12-2017

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge